

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

---

BBY SOLUTIONS, INC.,  
Plaintiff,

Civil No. 09-01887-PJS-AJB

v.

Richard Sims d/b/a United  
Technologies; Geek Patrol, a division  
of United Technologies; and William  
Sims d/b/a Certified Technologies  
Defendants.

CONSENT JUDGMENT

---

**WHEREAS**, Plaintiff BBY Solutions, Inc. (“BBY”), through its attorneys, filed a Complaint in this matter on July 19, 2009 (“Complaint”) against Defendants Richard Sims d/b/a United Technologies; Geek Patrol, a division of United Technologies; and William Sims d/b/a Certified Technologies (“SIMS”) (collectively “the Parties”) alleging that SIMS infringed and continues to infringe BBY’s GEEK SQUAD Marks by using the names Geek Squad, Geek Patrol and Geek Patrol Squad.

**WHEREAS**, BBY is the owner of trademark Registration Nos. 2,744,658 for the mark GEEK SQUAD®; and 1,943,643 for the mark GEEK SQUAD® (plus design) (collectively the “GEEK SQUAD Marks”).

**WHEREAS**, the Parties have settled the matter and agree to the entry of this Consent Judgment under the terms herein.

**NOW, THEREFORE**, in the interest of resolving this matter the Parties hereby stipulate and consent to the entry of this Consent Judgment, under the terms set forth below:

Defendants SIMS agree and consent to the following terms:

- (a) SIMS and their employees, agents, or representatives agree never to use the terms “BEST BUY” or “GEEK SQUAD”, Geek Patrol, or any combination, such as Geek Squad Patrol, or anything confusingly similar to GEEK SQUAD or BEST BUY. However, notwithstanding the above, SIMS may wind down their business through January 31, 2010, but shall not in any way use BEST BUY or GEEK SQUAD in doing so.
- (b) SIMS agrees to identify their company(ies) to callers as something other than GEEK SQUAD or BEST BUY, Geek Patrol, or any combination, such as Geek Squad Patrol, or anything confusingly similar to BEST BUY or GEEK SQUAD.
- (c) SIMS agrees to redirect confused customers to BBY’s Geek Squad.
- (d) SIMS agrees to assist BBY or its attorneys in taking down any listings that affiliate any of SIMS’ phone numbers with Geek Squad, Geek Patrol, Geek Squad Patrol, or anything confusingly similar to BEST BUY or GEEK SQUAD.
- (e) SIMS agrees to liquidated damages of \$50,000 for any breach of this Agreement. SIMS further agrees that the damage to BBY for any breach of this Agreement is not readily ascertainable, but that \$50,000 roughly

approximates the minimum amount of damage BBY will suffer for any breach of this Agreement.

(f) SIMS agrees to transfer to BBY the web domain [www.thegeekpatrol.biz](http://www.thegeekpatrol.biz) by no later than February 5, 2010. SIMS may phase out use of the domain until such transfer.

(g) SIMS agrees to change its toll-free, and any other numbers, to new numbers having no relationship to BEST BUY, GEEK SQUAD, Geek or Squad, Geek Patrol, Geek Squad Patrol or any confusingly similar variation of the forgoing.

**RICHARD SIMS d/b/a United Technologies**

Name: Richard Sims

Date: 01/07/10

Signature: s/ Richard Sims

**WILLIAM SIMS d/b/a Certified Technologies**

Name: William Sims

Date: 01/08/10

Signature: s/ William Sims

**GEEK PATROL, a division of United Technologies**

Name: Richard Sims

Date: 01/08/10

Signature: s/ Richard Sims

**BBY SOLUTIONS, INC.**

By its attorneys,

Dated: January 19, 2010

s/ Anthony R. Zeuli

Anthony R. Zeuli

Thomas J. Leach

MERCHANT & GOULD P.C.

3200 IDS Center

80 South Eighth Street

Minneapolis, Minnesota 55402-2215

Telephone: (612) 332-5300

Facsimile: (612) 332-9081

LET THE JUDGMENT BE ENTERED ACCORDINGLY.

DATED: 1/19/10

BY THE COURT:

s/Patrick J. Schiltz  
Patrick J. Schiltz  
United States District Judge